

02-13-04

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031  
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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/696,727
Filing Date	10/28/03
First Named Inventor	Simonson, Rush E.
Art Unit	
Examiner Name	
Attorney Docket Number	080083.00004

Total Number of Pages in This Submission

4

### ENCLOSURES (Check all that apply)

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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication<br>to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please<br>Identify below):<br>Express Mail Certificate; Return Receipt<br>Postcard |
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Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Michael J. Colitz, III
Signature	
Date	2/12/04

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Michael J. Colitz, III		
Signature		Date	2/12/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Simonson, Rush E.  
SERIAL NUMBER: 10/696,727  
FILED: 10/28/03  
FOR: Improved Vertebral Implant Adapted for Posterior Insertion  
ATTORNEY DOCKET NO.: 080083.00004

Mail Stop DD  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR BEFORE  
MAILING OF FIRST OFFICE ACTION

As listed on the attached Form PTO-1449, Applicant submits herewith copies of the patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose. Copies of the cited patents are not provided herewith due to the fact that they were previously submitted to the United States Patent and Trademark Office in United States Patent Application Serial No. 10/021,319, filed December 7, 2001 (New Pat. No. 6,572,653) and Serial No. 10/449,733, filed May 30, 2003, of which the instant application is a continuation-in-part of (37 C.F.R. §1.98(d)).

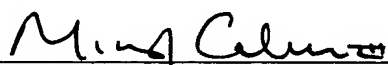
U.S. 3,741,205	Markolf et al.
U.S. 3,795,390	Kendall et al.
U.S. 4,309,777	Patil
U.S. 4,759,769	Hedman et al.
U.S. 4,892,545	Day et al.
U.S. 4,946,378	Hirayama et al.

U.S. 5,360,430	Lin
U.S. 5,401,269	Buttner-Janz et al.
U.S. 5,458,641	Ramirez Jimenez
U.S. 5,458,642	Beer et al.
U.S. 5,534,031	Matsuzaki et al.
U.S. 5,556,431	Buttner-Janz
U.S. 5,702,450	Bisserie
U.S. 5,827,328	Buttermann
U.S. 5,893,889	Harrington
U.S. 5,989,291	Ralph et al.
U.S. 6,045,579	Hochshuler et al.
U.S. 6,063,121	Xavier et al.
U.S. 6,117,174	Nolan
U.S. 6,156,067	Bryan et al.
U.S. 6,159,214	Michelson
U.S. 6,190,414	Young et al.
U.S. 6,224,607	Michelson
U.S. 6,231,609	Mehdizadeh
U.S. 6,241,769	Nicholson et al.
U.S. 6,264,695	Stoy
U.S. 6,267,764	Elberg
U.S. 6,325,827	Lin
U.S. 6,375,682	Fleischmann et al.
U.S. 6,419,706	Graf
U.S. 5,824,093	Ray et al.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner.

Respectfully submitted,

  
 Michael J. Colitz, III  
 Registration No. 37,010  
 Holland & Knight LLP  
 Suite 4100  
 100 N. Tampa Street

Tampa, Florida 33602-3644  
Telephone: 813/227-8500  
Facsimile: 813/229-0134

CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing was placed in an envelope and mailed via first class mail, postage paid, to: Mail Stop DD, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on this the 12 day of February, 2004.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account Number 50-1667.

  
Michael J. Colitz, III



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for form 1449/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet	1	of	2
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**Complete if Known**

Application Number	10/696,727
Filing Date	10/28/03
First Named Inventor	Simonson, Rush
Art Unit	
Examiner Name	
Attorney Docket Number	080083.00004

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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DATE OF DEPOSIT: 2/12/04

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Michael J. Colitz, III